Budget Presentation of Cook County Clerk David Orr
October 29, 2012

Good afternoon Chairman Daley and County Commissioners. Thank you for your continued support for time- and money-saving initiatives in the Cook County Clerk's office. I am pleased to present you with our budget for 2013

PRODUCTIVITY/BUDGET: We are indeed doing more with less. We have undertaken many new projects at the same time that our budget has been reduced:

- ✓ Our total budget is down 13 percent since 2009, the last comparable election year.
- ✓ Our 524 Elections account has been cut by 16 percent since 2009, the last year comparable to 2013.
- ✓ Our 110 account, which funds major departments other than Elections, is down 4 percent from 2012 to 2013.
- ✓ Our head count has been reduced by 7 percent since 2010.

Our revenues, however, have remained steady. As attached charts will show, our Vital Records sales have been bolstered by new products. Genealogy sales continue to climb. Our Ethics revenues have gone up dramatically due to a combination of new fees, and online late fee collection through our new, web-based lobbyist and SEI filing portals. Our overall revenues for 2012 are on track, despite a smaller tax sale.

Our long-term strategic plan for adopting new technology, and cross-training staff to work in several divisions has also paid off. At a time when elections are more demanding than ever, it has enabled us to take on new responsibilities without increasing our budget or positions. As just one example, Mail Voting is now available to all voters and the number of requests is more than double what it was in 2008.

What's more, our ongoing collaboration with the Chicago Board of Elections on expenditures such as public notices will be saving money for the County as a whole.

Here are a few highlights from this year and next which illustrate our new initiatives:

HIGH-SPEED MAIL VOTE PROCESSING: In 2012 in the Elections Division, we prepared for high volume mail voting during the March primary with the purchase of an innovative high-speed mail ballot sorting system after the Illinois laws governing absentee voting were changed. This was paid for with grant money, rather than county tax dollars.

certificates, which will appeal to partners with different last names, frequent travelers, and same-sex couples. We hope to introduce commemorative birth certificates in late 2013.

GENEALOGY ENHANCEMENT: Also in the Bureau of Vital Records, we have scanned and are indexing one million new genealogical records to market through our Genealogy Online portal. These are our oldest records, and therefore the most coveted by genealogists. As they become available for 24/7 purchase by genealogists world-wide, we anticipate a bump in revenue for that portal, which has brought in $1.7 million since its launch in July 2008—an 850 percent return on our initial investment.
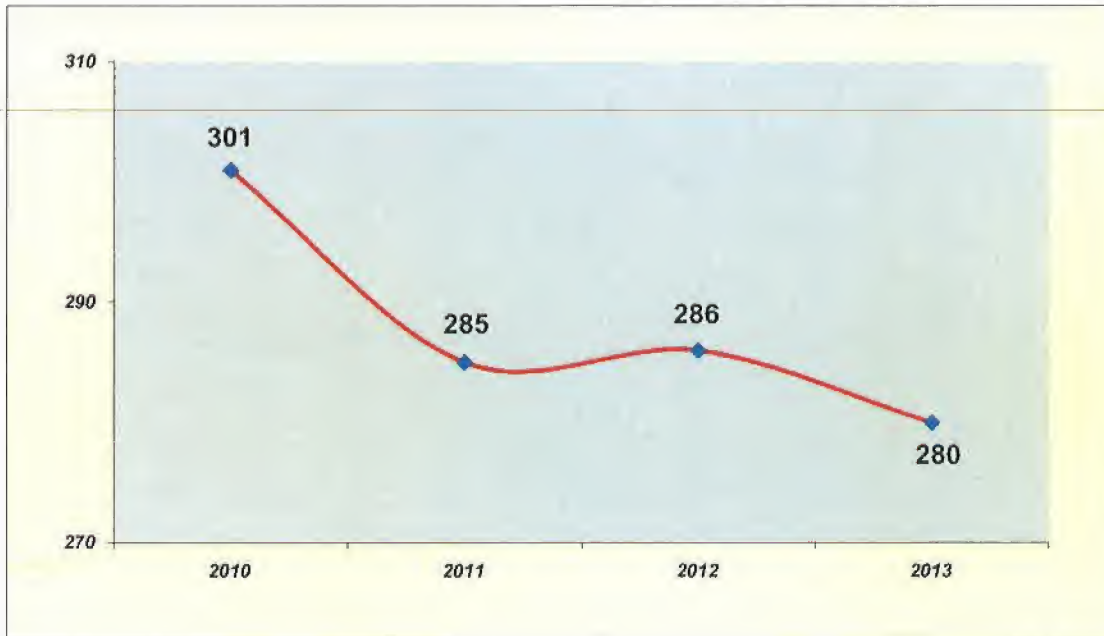
ELECTRONIC POLLBOOKS: We are also adopting an innovation in 2013 in the Elections Division in the form of e-pollbooks, which will be introduced in a trial for the April Consolidated Election. Electronic pollbooks deployed in each precinct on Election Day will give our judges real-time information on the status of every voter in their precinct, without having to consult several different documents.

For example, for voters in the wrong precinct, the e-pollbook helps judges redirect them to correct precincts in just seconds. With an e-pollbook, a judge need not consult the paper list to tell whether someone voted early—that information will immediately appear on their check-in screen. The e-pollbook will save on printing and delivery costs and reduce calls to our central office on Election Day, while providing better service to voters. Finally, like the high speed mail sorter, the e-pollbook project will be paid for largely from grants, making it a fiscal home run.

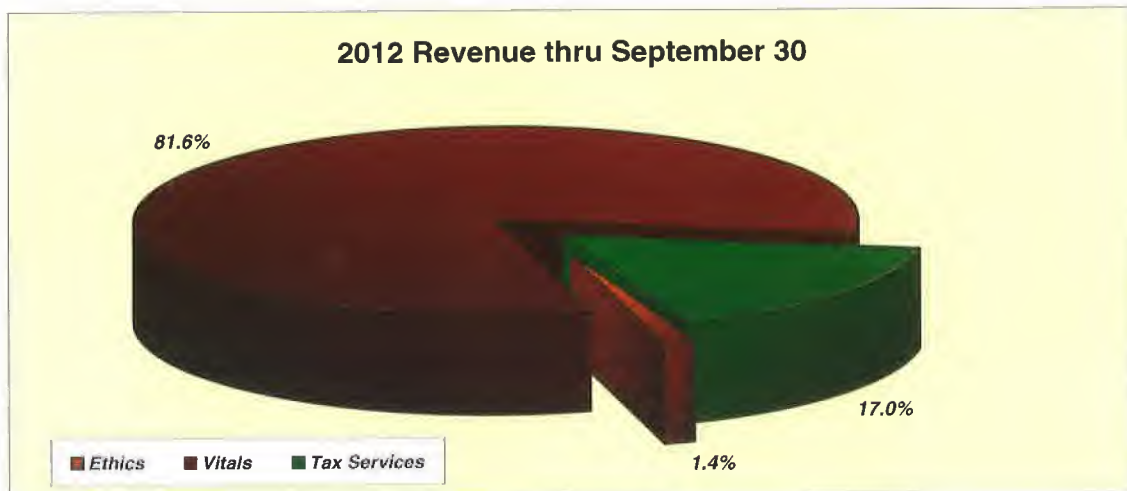Thank you. I am happy to answer any questions.

Position Reductions

FY 2010 — 2013

DAVID ORR
COOK COUNTY CLERK

County Clerk Revenues

FY 2007 — 2012

Revenue by year:
- 2007: $8,262,350
- 2008: $8,804,190
- 2009: $10,098,040
- 2010: $9,697,273
- 2011: $10,545,153
- 2012: $10,027,527*

Y-axis: $0, $2,500,000, $5,000,000, $7,500,000, $10,000,000, $12,500,000

* Projected

2012 Revenue thru September 30

- Ethics: 1.4%
- Vitals: 81.6%
- Tax Services: 17.0%

Legend: ■ Ethics ■ Vitals ■ Tax Services
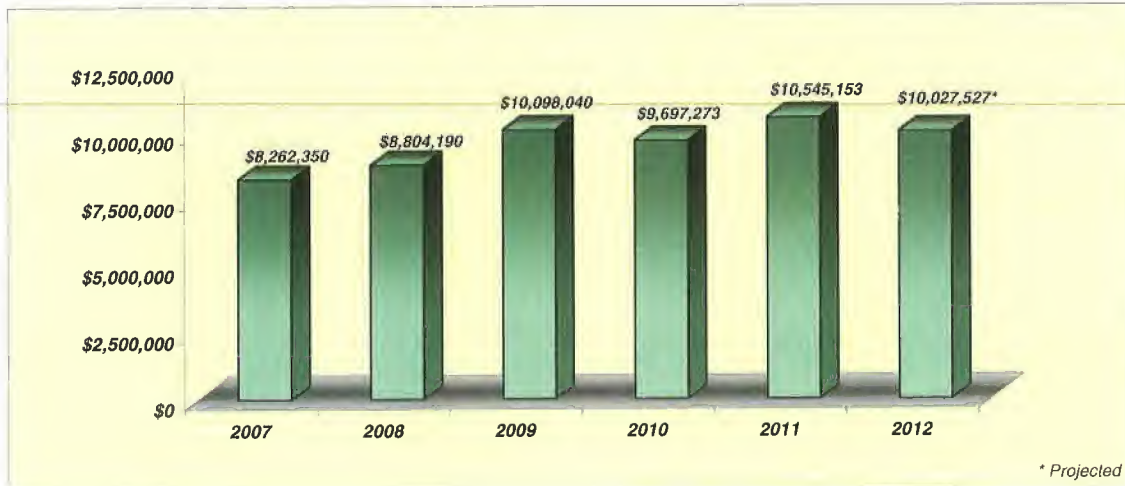
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COOK COUNTY CLERK

Vital Records Revenue

FY 2007 — 2012

Bar chart values:
- 2007: $5,983,831
- 2008: $6,499,264
- 2009: $7,069,364
- 2010: $7,689,782
- 2011: $8,040,378
- 2012: $8,185,765*

Y-axis: $0, $2,500,000, $5,000,000, $7,500,000, $10,000,000

* Projected

2012 Revenue thru September 30

Pie chart values:
- Birth: 47.5%
- Marriage/Civil Union: 34.6%
- Death: 17.9%

Legend: ■ Birth ■ Death ■ Marriage/Civil Union
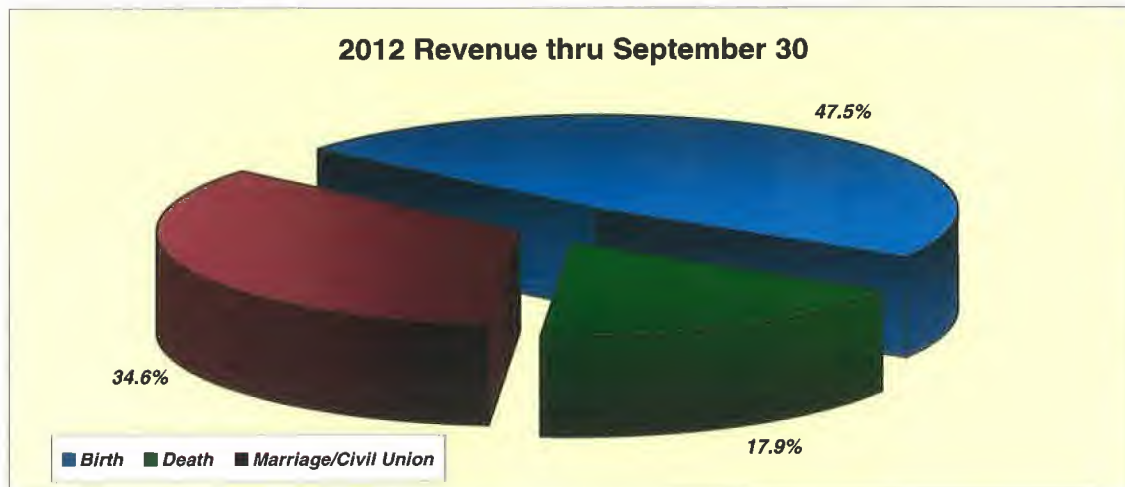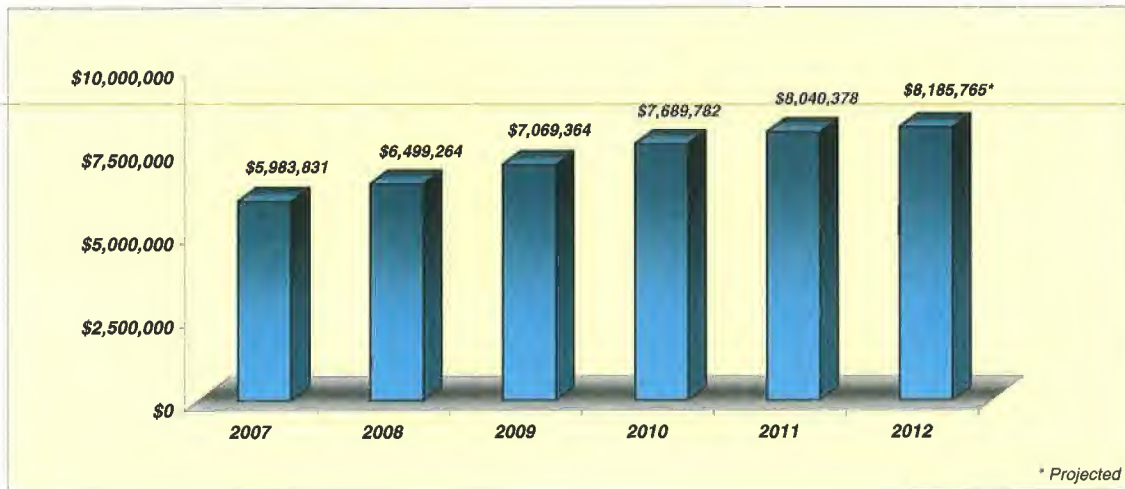
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COOK COUNTY CLERK

COOK COUNTY CLERK

Genealogy Online Sales

July 2, 2008 — September 30, 2012

Number Sold — 115,986

75,908

19,995

20,083

■ Birth ■ Death ■ Marriage/Civil Union

Revenue — $1,744,534

$1,142,428

$300,399

$301,707

■ Birth ■ Death ■ Marriage/Civil Union
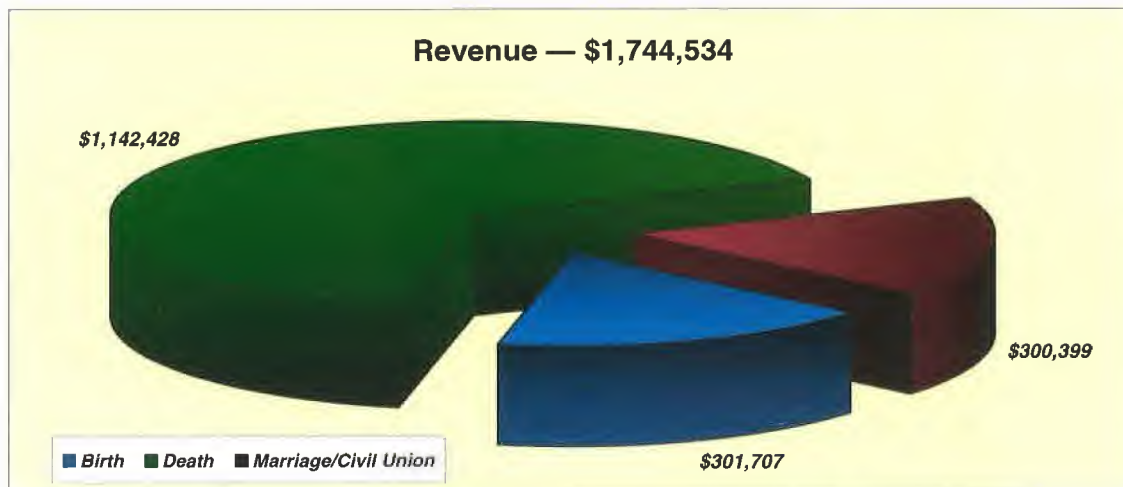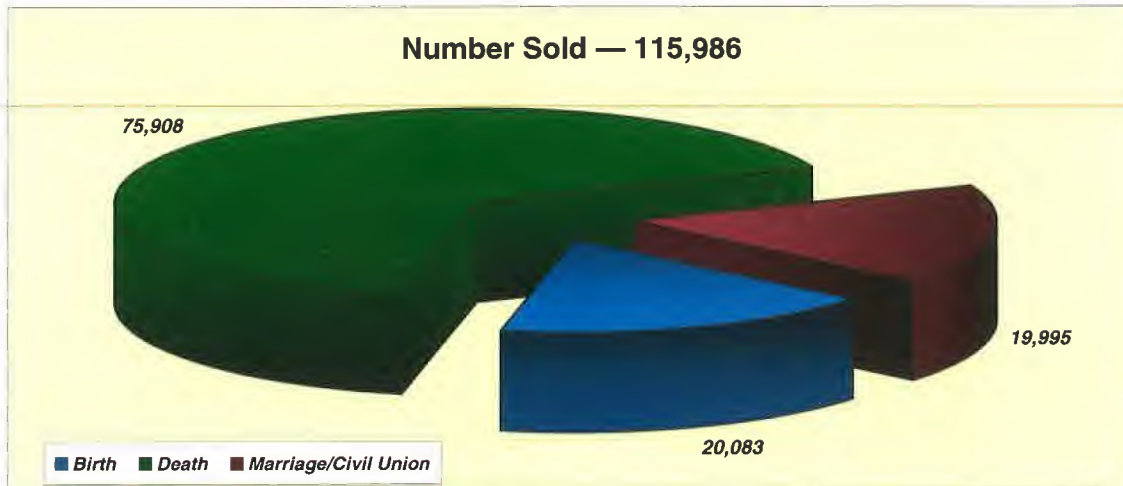
Outreach Materials
with QR Code
(quick response code)

MAKE YOUR MARK / DEJE SU MARCA ✓

VOTE

PRESIDENTIAL ELECTION / NOVEMBER 6, 2012
ELECCIONES PRESIDENCIALES / 6 DE NOVIEMBRE, 2012

DAVID ORR
COOK COUNTY
CLERK

➤ Find out how, where and when to vote or apply to work on Election Day

➤ Enterese como, donde, y cuando votar o aplicar para trabajar en el día de las elecciones

312-603-0900 cookcountyclerk.com

MAKE YOUR MARK / 投出你的一票 ✓

VOTE 投票

PRESIDENTIAL ELECTION / NOVEMBER 6, 2012
总统选举 / 2012年11月6日

DAVID ORR
COOK COUNTY
CLERK

➤ Find out how, where and when to vote or apply to work on Election Day

➤ 查找如何、何处和何时参加投票或申请在选举日参与工作

312-603-0900 cookcountyclerk.com

MAKE YOUR MARK / अपना चिह्न बनाएँ ✓

VOTE / मतदान

PRESIDENTIAL ELECTION / NOVEMBER 6, 2012
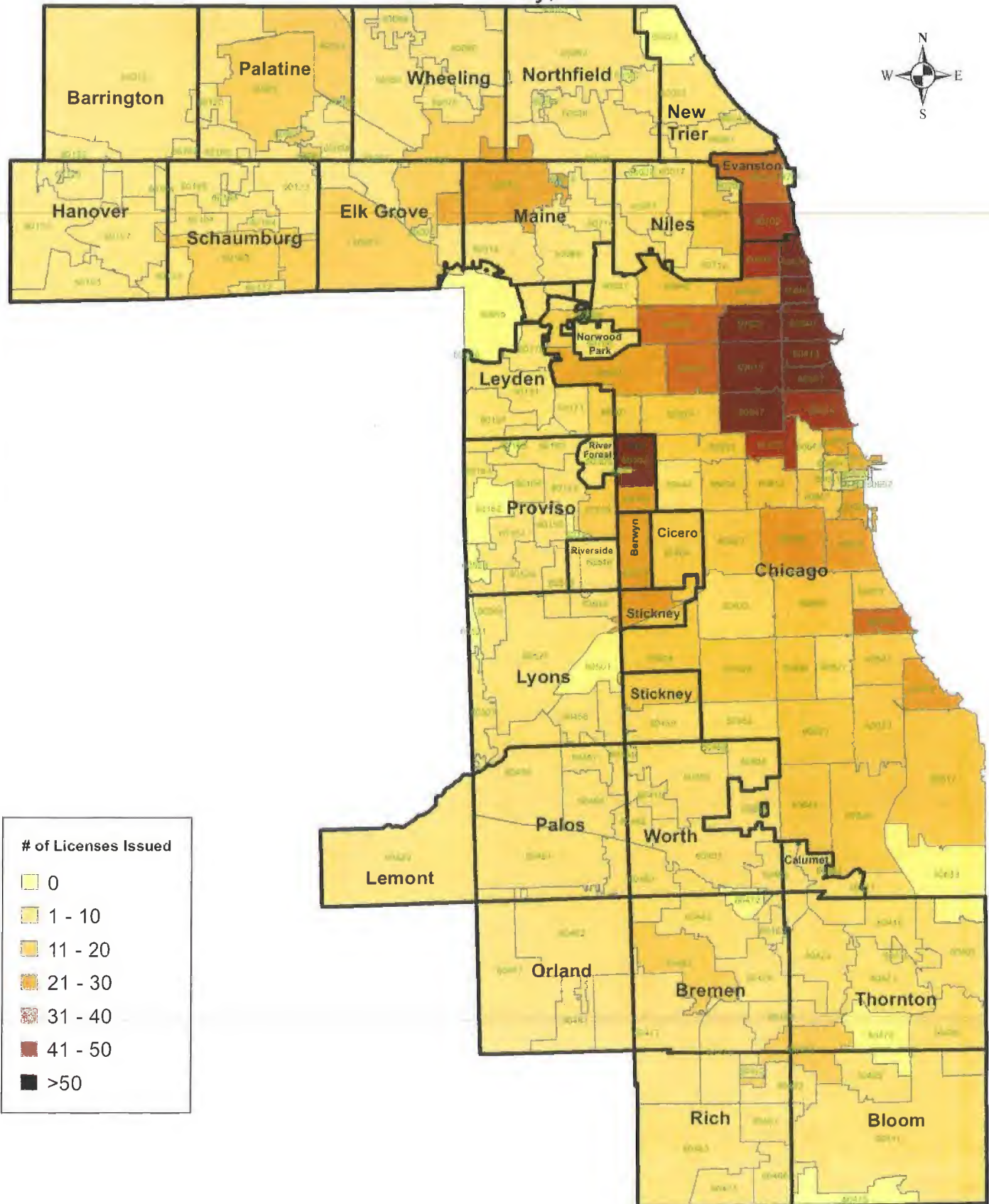राष्ट्रपति चुनाव / 11.6 2012

DAVID ORR
COOK COUNTY
CLERK

➤ Find out how, where and when to vote or apply to work on Election Day

➤ पता लगाएं कि कैसे, कहाँ और कब मतदान करना है अथवा चुनाव के दिन काम करने के लिए आवेदन करें

312-603-0900 cookcountyclerk.com

Civil Union Licenses Issued by Zip Code
June 1, 2011 - August 24, 2012
Cook County, IL

N
W E
S

Barrington
Palatine
Wheeling
Northfield
New Trier
Hanover
Schaumburg
Elk Grove
Maine
Niles
Evanston
Norwood Park
Leyden
River Forest
Proviso
Berwyn
Cicero
Chicago
Riverside
Stickney
Stickney
Lyons
Palos
Worth
Calumet
Lemont
Orland
Bremen
Thornton
Rich
Bloom

# of Licenses Issued

- 0
- 1 - 10
- 11 - 20
- 21 - 30
- 31 - 40
- 41 - 50
- >50

9/2012

David Orr
Cook County Clerk

COOK COUNTY
CLERK

THE VOTER-FRAUD MYTH

The man who has stoked fear about impostors at the polls.

BY JANE MAYER

Teresa Sharp is fifty-three years old and has lived in a modest single-family house on Millsdale Street, in a suburb of Cincinnati, for nearly thirty-three years. A lifelong Democrat, she has voted in every Presidential election since she turned eighteen. So she was agitated when an official summons from the Hamilton County Board of Elec-

matter, including those cast by the seven members of the Sharp family—Teresa, her husband, four grown children, and an elderly aunt—living in the Millsdale Street house.

The letter, which cited arcane legal statutes and was printed on government letterhead, was dated September 4th. "You are hereby notified that your right

who is African-American, said. "They ain't messing with us poor black folks! Who is challenging my right to vote?"

The answer to Sharp's question is that a new watchdog group, the Ohio Voter Integrity Project, which polices voter-registration rolls in search of "electoral irregularities," raised questions about her eligibility after consulting a government-compiled list of local properties and mistakenly identifying her house as a vacant lot.

The Sharp household had first been identified as suspicious by computer software that had been provided to the Ohio Voter Integrity Project by a national organization called True the Vote. The software, which has been distributed to

Hans von Spakovsky, a Republican lawyer who served in the Bush Administration, has promoted strict voter–I.D. laws.

tions arrived in the mail last month. Hamilton County, which includes Cincinnati, is one of the most populous regions of the most fiercely contested state in the 2012 election. No Republican candidate has ever won the Presidency without carrying Ohio, and recent polls show Barack Obama and Mitt Romney almost even in the state. Every vote may

to vote has been challenged by a qualified elector," it said. "The Hamilton County Board of Elections has scheduled a hearing regarding your right to vote on Monday, September 10th, 2012, at 8:30 A.M.... You have the right to appear and testify, call witnesses and be represented by counsel."

"My first thought was, Oh, no!" Sharp,

similar groups around the country, is used to flag certain households, including those with six or more registered voters. This approach inevitably pinpoints many lower-income residents, students, and extended families.

True the Vote, which was founded in 2009 and is based in Houston, describes itself as a nonprofit organization, created

"*by* citizens *for* citizens," that aims to protect "the rights of legitimate voters, regardless of their political party." Although the group has a spontaneous grassroots aura, it was founded by a local Tea Party activist, Catherine Engelbrecht, and from the start it has received guidance from intensely partisan election lawyers and political operatives, who have spent years stoking fear about election fraud. This cohort—which *Roll Call* has called the "voter fraud brain trust"—has filed lawsuits, released studies, testified before Congress, and written op-ed columns and books. Since 2011, the effort has spurred legislative initiatives in thirty-seven states to require photo identification to vote.

Engelbrecht has received especially valuable counsel from one member of the group: Hans von Spakovsky. A Republican lawyer who served in the Bush Administration, he is now a senior legal fellow at the Heritage Foundation, the conservative think tank. "Hans is very, very helpful," Engelbrecht said. "He's one of the senior advisers on our advisory council." Von Spakovsky, who frequently appears on Fox News, is the co-author, with the columnist John Fund, of the recent book "Who's Counting?," which argues that America is facing an electoral-security crisis. "Election fraud, whether it's phony voter registrations, illegal absentee ballots, vote-buying, shady recounts, or old-fashioned ballot-box stuffing, can be found in every part of the United States," they write. The book connects these modern threats with sordid episodes from the American past: crooked inner-city machines, corrupt black bosses in the Deep South. Von Spakovsky and Fund conclude that electoral fraud is a "spreading" danger, and declare that True the Vote serves "an obvious need."

Mainstream election experts say that Spakovsky has had an improbably large impact. Richard L. Hasen, a law professor at the University of California at Irvine, and the author of a recent book, "The Voting Wars," says, "Before 2000, there were some rumblings about Democratic voter fraud, but it really wasn't part of the main discourse. But thanks to von Spakovsky and the flame-fanning of a few others, the myth that Democratic voter fraud is common, and that it helps Democrats win elections, has become part of the Republican orthodoxy." In

December, Reince Priebus, the chairman of the Republican National Committee, wrote, "Election fraud is a real and persistent threat to our electoral system." He accused Democrats of "standing up for potential fraud—presumably because ending it would disenfranchise at least two of its core constituencies: the deceased and double-voters." Hasen believes that Democrats, for their part, have made exaggerated claims about the number of voters who may be disenfranchised by Republican election-security measures. But he regards the conservative alarmists as more successful. "Their job is really done," Hasen says. "It's common now to assert that there is a need for voter I.D.s, even without any evidence."

In Hamilton County alone, the new citizens' groups have challenged more than a thousand names since March. Some challenges, such as those aiming to disqualify college students who failed to include their dorm-room numbers on their registration forms, were tossed out immediately. But the board accepted nearly two hundred challenges, including those to twenty-six voters registered at a trailer park that no longer existed.

In Ohio, if voters whose eligibility has been challenged come to the polls in November, they may be forced to use a provisional ballot, which will be counted only if officials sanction it—after Election Day. Some experts worry that voters who have been needlessly challenged will feel too intimidated even to show up. "People have other things to do with their lives than respond to inaccurate complaints accusing them of being criminals," Justin Levitt, a professor at Loyola Law School in Los Angeles, said.

Alex Triantafilou, a Republican member of the county's Board of Elections, maintains that the challenges have been nonpartisan. But Caleb Faux, a Democrat on the board, says, "I don't buy it. The True the Vote people are clearly going after Democratic voters: African-Americans, students, and other groups they think are likely to vote Democratic."

Von Spakovsky recently sat down with me in a conference room at the Heritage Foundation, wearing rimless eyeglasses and a sports jacket with a crisp white pocket square. In our conversation, and in later phone calls and e-mails, he expressed himself with lawyerly reserve. He said of True the Vote and its affiliates,

"They're doing a great job." Earlier this year, he noted, the Pew Center on the States found that more than 1.8 million people who had died were still registered to vote in America, and that 2.75 million people were registered to vote in multiple states. How many of these errors translate into fraudulent votes? "It is impossible to answer," he said. "We don't have the tools in place." But he cited a 2000 investigation, by the Atlanta *Journal-Constitution*, of voting records in Georgia over the previous two decades; the paper reported that it had turned up fifty-four hundred instances of dead people being recorded as having voted. "That seems pretty substantial to me," he said.

He did not mention that the article's findings were later revised. The *Journal-Constitution* ran a follow-up article after the Georgia Secretary of State's office indicated that the vast majority of the cases appeared to reflect clerical errors. Upon closer inspection, the paper admitted, its only specific example of a deceased voter casting a ballot didn't hold up. The ballot of a living voter had been attributed to a dead man whose name was nearly identical.

On the appointed day this fall, Teresa Sharp drove to Cincinnati and appeared before the Board of Elections. Dressed in a T-shirt and jeans, and accompanied by six family members, Sharp moved to the front of the room when her name was called. She then "slammed her purse and papers on the table," according to Faux, who was present.

Sharp told me, "It was like a kangaroo court. There were, like, ninety-four people being challenged, and my family and I were the only ones contesting it! I looked around. The board members and the stenographer, they were all white people. The lady bringing these challenges, she was white, and reminded me of Gladys Kravitz"—the nosy neighbor on the sitcom "Bewitched."

When Sharp heard her house described as a vacant lot, and learned that Marlene Kocher—the member of the Ohio Voter Integrity Project who had filed the challenge against her—had not bothered to visit her address, she exploded. "This lady has nothing else better to do?" she said. "I think she needs to get a life!"

Faux recalled that Kocher "apologized and kind of shrunk back."

"We made a mistake," Mary Siegel, a

leader of the Ohio Voter Integrity Project, who has been involved in a local Tea Party group, told me. "We're just here to protect the voter. We have no idea when we look at the registrations what color or creed or party you are. We just look at where your property is and how many people are living there."

Sharp said, "I think they want to stop as many black people as they can from voting. I won't even know until Election Day if I got the right to vote. But if they tell me I can't vote—it is *over*. They are going to have to call the police. I am going to jail!"

At the Heritage Foundation, von Spakovsky emphasized that his devotion to safeguarding voter integrity had nothing to do with racial discrimination or partisan gain: "I'm not in this because I'm on a team. I believe in having fair elections, and I would never be willing to do anything that would encourage or allow cheating in an election. My interest is in making sure that the person who people vote for the most wins."

Yet many Democrats see his cause as a voter-suppression effort in disguise. Thirty-three states have passed some form of voter-I.D. law, the most severe versions of which demand government-issued cards with photographs and expiration dates. A driver's license typically qualifies, but many students, elderly people, and poor urban residents do not have one.

According to a study by the Brennan Center for Justice, a liberal nonprofit institute at N.Y.U. Law School, eleven per cent of the voting-age population lacks the kind of I.D. cards required by the strictest states. Eighteen per cent of Americans over the age of sixty-five do not have such documentation; among African-Americans the figure is twenty-five per cent. Von Spakovsky criticized the study for focussing not on registered voters but on all Americans who are eligible to vote. He cites rival studies indicating that the number of registered voters without I.D.s is negligible.

The vast majority of the lawmakers who have pushed for voter I.D.s have been Republicans. As Bill Clinton has put it, "This is not rocket science. They are trying to make the 2012 electorate look more like the 2010 electorate"—when many young and minority voters stayed home—"than the 2008 electorate." Clinton said that the "effort to limit the franchise" was the most determined "since we got rid of the poll tax and all the other Jim Crow burdens on voting."

Republicans who support tighter voter security say that they are not seeking political advantage. But last summer Pennsylvania's Republican House Leader, Mike Turzai, was caught on tape boasting to colleagues that the state's new I.D. law was "going to allow Governor Romney to win the state of Pennsylvania." Earlier this month, a state judge suspended the controversial law's implementation until after the 2012 election; a federal court has done the same with South Carolina's new I.D. law.

Congressman John Lewis, the Democrat from Georgia, says of recent efforts to tighten voting requirements, "I thought we'd passed this long ago. But it seems we must fight this fight over and over." In the nineteen-sixties, Lewis was beaten by police while demonstrating in support of civil-rights legislation, including the Voting Rights Act. He said of von Spakovsky, "He's been the moving force behind photo I.D.s. I don't know if it's something in the water he's been drinking . . . but over the years he's been hellbent to make it more difficult—always, always—for people to vote. It's like he goes to bed dreaming about this, and gets up in the morning wondering, What can I do today to make it *more* difficult for people to vote? When you pull back the covers, peel back the onion, he's the one who's gotten the Republican legislatures, and the Republican Party, to go along with this—even though there is no voter fraud to speak of. He's trying to create a cure where there is no sickness."

Earlier this year, at a panel sponsored by the conservative organization Judicial Watch, von Spakovsky said that it was "preposterous" for anyone to liken the nationwide crackdown on voter irregularities to "the restoration of Jim Crow." In support of his views, he cites a liberal icon: the former Supreme Court Justice John Paul Stevens. In 2008, Stevens helped uphold Indiana's strict voter-I.D. law in the face of a challenge from Democrats. He wrote, "Examples of such fraud in other parts of the country have been documented throughout this Nation's history by respected historians and journalists," demonstrating "that not only is the risk of voter fraud real but that it could
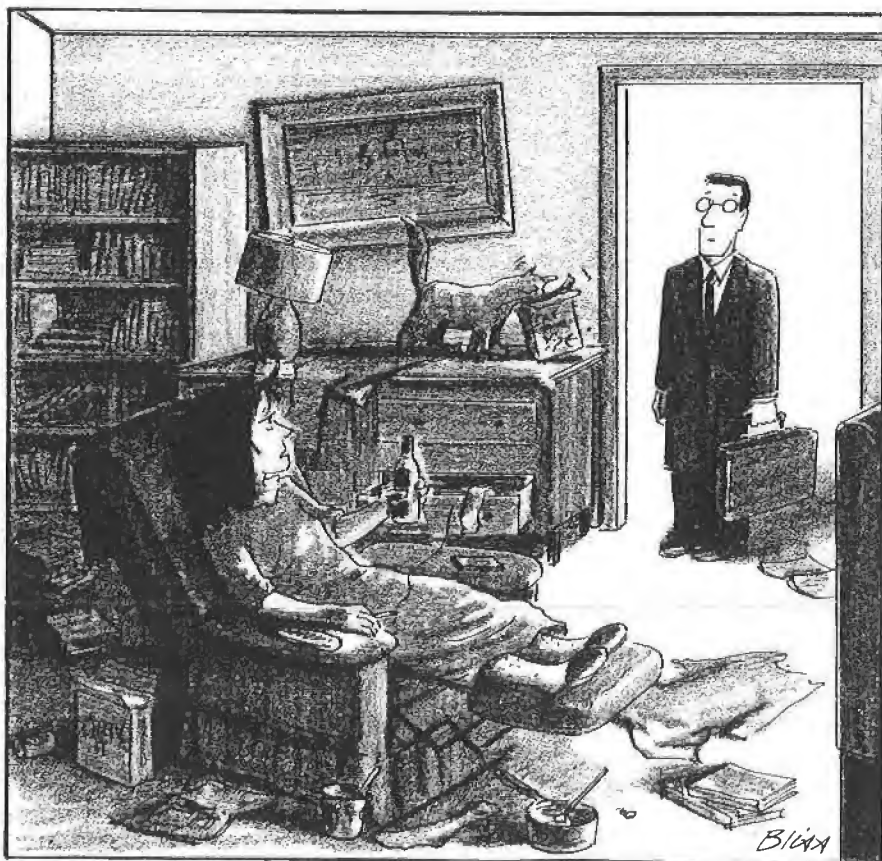
"Face it—nothing gets done in an election year."

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Nearly all scholars of America's system of locally run elections acknowledge chronic problems, including administrative incompetence, sloppy registration rolls, unreliable machinery, vote buying, and absentee-ballot fraud. But Robert Brandon, the president of the Fair Elections Legal Network and a longtime reformer, says that the current debate, "which is about people impersonating another voter, is silly." He adds, "You can't steal an election one person at a time. You can by stuffing ballot boxes—but voter I.D.s won't stop that."

Von Spakovsky offered me the names of two experts who, he said, would confirm that voter-impersonation fraud posed a significant peril: Robert Pastor, the director of the Center for Democracy and Election Management, at American University, and Larry Sabato, a political-science professor at the University of Virginia. Pastor, von Spakovsky noted, had spoken to the U.S. Commission on Civil Rights about being a victim of election fraud: voting in Georgia, he discovered that someone else had already voted under his name.

When I reached Pastor, he clarified what had happened to him. "I think they just mistakenly checked my name when my son voted—it was just a mistake." He added, "I don't think that voter-impersonation fraud is a serious problem." Pastor believes that, compared with other democracies, America is "somewhere near the bottom in election administration," and thinks that voter I.D.s make sense—but only if they are free and easily available to all, which, he points out, is not what Republican legislatures have proposed. Sabato, who supports the use of voter I.D.s under the same basic conditions, says of the voter-impersonation question, "One fraudulent vote is one too many, but my sense is that it's relatively rare today."

Hasen says that, while researching "The Voting Wars," he "tried to find a single case" since 1980 when "an election outcome could plausibly have turned on voter-impersonation fraud." He couldn't find one. News21, an investigative-journalism group, has reported that voter impersonation at the polls is a "virtually non-existent" problem. After conducting an exhaustive analysis of election-crime prosecutions since 2000, it identified only seven convictions for impersonation fraud. None of those cases involved conspiracy.

Lorraine Minnite, a public-policy professor at Rutgers, collated decades of electoral data for her 2010 book, "The Myth of Voter Fraud," and came up with some striking statistics. In 2005, for example, the federal government charged many more Americans with violating migratory-bird statutes than with perpetrating election fraud, which has long been a felony. She told me, "It makes no sense for individual voters to impersonate someone. It's like committing a felony at the police station, with virtually no chance of affecting the election outcome." A report by the *Times* in 2007 also found election fraud to be rare. During the Bush Administration, the Justice Department initiated a five-year crackdown on voter fraud, but only eighty-six people were convicted of any kind of election crime.

Hasen, who calls von Spakovsky a leading member of "the Fraudulent Fraud Squad," told me that he respects many other conservative advocates in his area of expertise, but dismisses scholars who allege widespread voter-impersonation fraud. "I see them as foot soldiers in the Republican army," he says. "It's just a way to excite the base. They are hucksters. They're providing fake scholarly support. They're not playing fairly with the facts. And I think they know it."

Von Spakovsky is the son of a German mother and a Russian father who met in Bavaria, just after the Second World War, at an American-run camp for displaced persons. They immigrated to the United States in 1951. His father, Anatol, was a White Russian who fought Communism twice: first against the Bolsheviks, in Russia, and later against Tito, in Yugoslavia, where he lived before heading to Bavaria. "He escaped death many times," von Spakovsky recalled. "He taught me to stand up for what I believe in, no matter what the cost, and I have taken that to heart." Von Spakovsky says that his heritage has made him especially appreciative of American democracy and sensitive to what he calls its "fragility."

In America, his parents settled in Huntsville, Alabama, where his father taught philosophy at a local college and wrote poetry. "He was the most intelligent and cultured person I have ever known," von Spakovsky said, adding that family dinners were more stimulating

than the local schools he attended. Although the civil-rights movement created tumult in Alabama during his childhood, he says that he has no memory of it.

After graduating from M.I.T. and Vanderbilt Law School, von Spakovsky became the in-house counsel at a life-insurance company in Atlanta, and volunteered to become a Republican poll watcher at an inner-city housing project. "I was expecting a very boring day," he says. Instead, he observed election officials asking voters which party they belonged to, "which, of course, you're not supposed to do in a general election. So the very first time I'm a poll watcher, I walk in and something illegal is going on."

It was 1992, a turning point in American election law. Throughout the nineteen-eighties, civil-rights groups brought discrimination cases against local election officials, particularly in the South, alleging that bureaucratic barriers—such as requiring people to register at local clerks' offices—served mainly to intimidate new voters, many of whom were minorities. Voting-rights activists pushed for national legislation that would encourage mass enfranchisement, such as permitting people to register when they got a driver's license, or to register by mail. Congress passed a bill with these provisions, but President George H. W. Bush vetoed it. Soon after Bill Clinton took office, in 1993, he signed the bill, which became the National Voter Registration Act—also known as the motor-voter law. As minority-voter registration surged, conservatives began warning that permitting more lenient forms of registration opened the door to fraud.

In 1997, von Spakovsky agitated against the National Voter Registration Act and in favor of strict requirements, including the presentation of birth certificates, for voter I.D.s, in order "to prevent impostors from voting." He became a Republican appointee to an election board in the Atlanta area, which had a fast-growing, increasingly black population. Writing for the Georgia Public Policy Foundation, a conservative research center, he warned that aspects of the National Voter Registration Act might "destroy the security and integrity of the voter-registration system." The article also recommended regular purges of voter rolls.

By 1999, von Spakovsky had begun attracting national attention. He was the

chairman of the Fulton County Republican Party, and served on the advisory board of the Voting Integrity Project, or V.I.P.—a new group, based in Arlington, Virginia. V.I.P. called itself a nonpartisan election-reform group, but it had deep ties to the Republican Party and to the national conservative movement. One of its founders, Helen Blackwell, was married to Morton Blackwell, a former Reagan aide and the founder of the Leadership Institute, an organization that trains ultra-conservative young activists. (In 2009, one of them, the guerrilla videographer James O'Keefe, took undercover footage meant to suggest pervasive criminality at ACORN, the progressive nonprofit group, some of whose employees had pleaded guilty to voter-registration fraud. Although the footage was widely condemned as misleading, the controversy helped lead to ACORN's demise.)

V.I.P. embraced von Spakovsky's call for voter-roll purges. In 1999, the group met with and gave an award for "innovative excellence" to a company called Database Technologies, which was designing the State of Florida's procedure for scrubbing its voter rolls of felons and other ineligible people. In 2000, Database's process led, notoriously, to the erroneous disenfranchisement of thousands of voters—most of them Democrats and many of them black. Asked about this, von Spakovsky said, heatedly, "I was in Atlanta, and I had nothing to do with the company that Florida hired to clean up its election rolls."

Von Spakovsky did, however, get directly involved in the infamous recount of the Presidential vote in Florida. Serving as a volunteer observer for the campaign of George W. Bush, he spent time in Jacksonville, where black leaders protested that their voting rights had been denied, and in Palm Beach County, where twenty-eight thousand ballots went uncounted, because examiners concluded that they had not been filled out properly. According to the Palm Beach *Post*, nearly half of those discarded ballots came from predominantly black and elderly precincts. Von Spakovsky, for his part, recalled the drama on the ground as less than thrilling: "It was a lesson in how really boring vote counting can be."

After the recount trauma, the Bush Administration announced its crackdown on election fraud, and hired von

Spakovsky as a lawyer in the Justice Department's newly invigorated voting section, which enforces the Voting Rights Act. He was soon promoted, becoming counsel to the assistant attorney general in charge of the civil-rights division.

The crackdown was infused with partisanship. In 2006, the Justice Department fired two U.S. Attorneys, in part because top Administration officials felt that they were too soft on potential Democratic voter fraud in New Mexico and Washington. In 2008, documents unearthed by an inspector general revealed that the push to prosecute had as much to do with political gain as with the pursuit of justice. Republican officials in New Mexico pressured David Iglesias, the U.S. Attorney for the state, to prosecute Democrats before the 2004 election. A lawyer for the state Republican Party wrote that the voter-I.D. "issue should be used (now) at all levels," adding, "You are not going to find a better wedge issue." But an election-fraud task force that Iglesias formed with the F.B.I. found no crimes to prosecute. Because of his failure to find fraud, the inspector general concluded, Iglesias was fired. (He is now a prosecutor in Guantánamo Bay.) John McKay, the U.S. Attorney in Washington State, was also fired after failing to find prosecutable voter fraud.

In 2006, President Bush appointed von Spakovsky to the Federal Election Commission while the Senate was in recess. When he came up for confirmation,
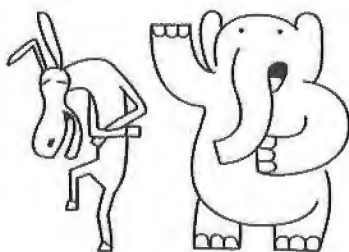
six career lawyers in the voting section wrote a scathing letter of protest, saying that he had a "cavalier" disregard for legal precedent. They noted that a federal court had struck down Washington State's attempt to implement his recommendation that eligible citizens be kept "off the rolls for typos and other mistakes by election officials." They accused von Spakovsky of overruling their judgment that a strict voter-I.D. law in Georgia would result in substantially

fewer black voters, and of using a pseudonym to publish an essay in support of voter-I.D. laws while the department was weighing the case. A judge in Georgia struck down the law, likening it to a poll tax. (After considerable modifications, the law was authorized.)

Joe Rich, the former chief of the voting section, repeatedly clashed with von Spakovsky and his allies. "I worked at the Justice Department for thirty-six years, twenty-four of them under Republican Administrations," Rich told me. "The disdain and antagonism that they had for the experience, expertise, and dedication of career civil-rights attorneys was something I had never experienced before. It was just awful."

Among the lawmakers who spoke out against von Spakovsky's appointment to the F.E.C. was Barack Obama, then a Democratic senator from Illinois. He put a hold on the confirmation, effectively blocking it. After two years in limbo, von Spakovsky withdrew his name from consideration, and joined the Heritage Foundation, where he continued to inveigh against voter fraud.

In the spring of 2008, as Obama was clinching the Democratic nomination for President, von Spakovsky issued a lengthy report on electoral fraud, titled "Stolen Identities, Stolen Votes." In an op-ed piece on the Fox News Web site, he argued that "one doesn't have to look far to find instances of fraudulent ballots cast in actual elections by 'voters' who were the figments of active imaginations." Yet the most recent evidence he cited in his report was decades old: a grand-jury report documenting criminal collusion, from 1968 to 1982, among Brooklyn election officials and local machine politicians.

Richard Hasen asked to see the grand-jury report, but von Spakovsky did not respond. ("What am I—his research assistant?" he asked me.) Hasen has another explanation for von Spakovsky's refusal to produce the document: "He must have known it was weak." Hasen eventually hunted down his own copy. On his blog, he observed, "Most of this fraud took place forty years ago," adding, "When election officials collude with those committing fraud, a voter-I.D. requirement would not help in the slightest." Asked about this, von Spakovsky said, "That's not what the grand jury said. They recom-

mended voter I.D.s." The report recommends nine specific procedural changes to help prevent corrupt behavior by election officials, but says of voter identification only that it should be studied as one of several "possible remedies."

The election of 2008 was a milestone in terms of turnout. The percentage of African-Americans who voted (sixty-five) rivalled the percentage of whites who voted (sixty-six). Penda Hair, the co-director of the Advancement Project, a progressive voting-rights advocacy group, says that this statistic discomfited Republicans. "Conservatives were looking at it and saying, 'We've got to clamp things down,'" Hair said. "They'd always tried to suppress the black vote, but it was then that they came up with new schemes."

After Obama took office, von Spakovsky expanded his campaign for voter-I.D. laws and other ballot-security measures. One receptive forum, where he spoke repeatedly, was the American Legislative Exchange Council, or ALEC—a conservative, corporate-funded group that drafts legislative models for thousands of state lawmakers. In 2009, after the Supreme Court upheld Indiana's voter-I.D. law, ALEC drafted a sample voter-I.D. bill for other states to copy. An accompanying essay in the organization's newsletter explained how to frame such restrictions so that they would pass muster with the courts. Copycat bills emerged in state legislatures across the country. In 2011 and 2012, Republicans proposed sixty-two such laws, in thirty-seven state legislatures. News21 has reported that more than half of these bills were sponsored by associates of ALEC. Lisa Graves, the executive director of the Center for Media and Democracy, which runs a Web site called ALEC Exposed, says, "Unlike a think tank, ALEC operationalizes the agenda, nationally."

Von Spakovsky said, "The idea that there's some deep conspiracy is just laughable." His own work, however, has suggested that liberals engage in conspiracies. "Who's Counting?" opens with an insinuating account of how Al Franken, the Minnesota Democrat, was elected to the Senate in 2008. According to the book, there is "compelling" evidence, compiled by a citizens' watchdog group, that "1,099 ineligible felons voted illegally" in the contest—"more than three times" Franken's victory margin. The subhead of the chap-

"Oh you, you and your stifling regulations."

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ter is "Would Obamacare have passed without voter fraud?"

Fox News and other conservative media outlets have promoted this argument. However, Mike Freeman, the Hennepin County Attorney, who oversees Minneapolis, told me, "Those numbers are fraudulent. We investigated, and at the end of the day, out of over four hundred allegations in the county, we charged thirty-eight people. Their research was bad, sloppy, incredible. They are just liars." Some of the targeted voters weren't actually felons; others were on probation and hadn't realized that they remained ineligible to vote. To be convicted of voter fraud, a suspect needs to have criminal intent.

Von Spakovsky told me, "It doesn't matter whether they"—the felons—"intended it or not. The point is they did vote." The subject of electoral fraud is now front and center in Minnesota: in November, the state will have a referendum on a state voter-I.D. law.

Von Spakovsky has also presented a more recent case as a scandal. Last year, in an op-ed piece that was nationally syndicated, he wrote, "A 2010 election in Missouri that ended in a one-vote margin of victory included 50 votes cast illegally by citizens of Somalia." He told me that these voters "could only speak Somali, even though to become a U.S. citizen you must learn English." Once again, when the case was examined by a judge, no fraud was found. Although the judge's ruling had been issued before the column appeared,

von Spakovsky didn't mention it. He told me that the omission was justified, because the judge hadn't investigated "the citizenship issue." Yet the voters' citizenship was never in doubt. Translation assistance is available at the polls—citizens sometimes have shaky English—and the court had found merely that election officials had not made the voters take an oath before receiving help, as state law required. The judge determined that such a mistake "should not result in the disenfranchisement of the voters."

With legions of citizen watchdogs on the lookout for fraud, voters confused about the documents necessary to vote, and the country almost evenly divided politically, von Spakovsky is predicting that November 6th could be even more chaotic than the 2000 elections. He will play a direct role in Virginia, a swing state, where he is the vice-chairman of the electoral board of Fairfax County. Joining us at the conference table at the Heritage Foundation, John Fund, von Spakovsky's co-author, told me, "If it's close this time, I think we're going to have three or four Floridas." Von Spakovsky shook his head and said, "If we're lucky only three or four." If there are states where the number of provisional ballots cast exceeds the margin of victory, he predicts, "there will probably be horrendous fights, and litigation between the lawyers that will make the fights over hanging chads look minor by comparison." Pursing his lips, he added, "I hope it doesn't happen." But, if it does, no one will be more ready for the fight. ♦

ELECTION: 110612 - GENERAL ELECTION

EV Site	Mon 22-Oct	Tue 23-Oct	Wed 24-Oct	Thu 25-Oct	Fri 26-Oct	Sat 27-Oct	Sun 28-Oct	Total
69 W. Washington 5th Floor	9	17	15	23	27	14	66	171
69 W. Washington Pedway	422	458	418	438	443	58		2237
Alsip Village Hall	233	212	213	199	286	266		1409
Arlington Heights Village Hall	658	822	804	819	975	1112	868	6058
Barrington Township Hall	216	137	144	121	228	203		1049
Bellwood Village Hall	303	294	308	327	350	417		1999
Berwyn City Hall	182	155	195	194	253	237		1216
Bridgeview Courthouse Rm. 238	87	110	94	88	130			509
Calumet City Library	412	426	432	429	457	543	463	3162
Calumet Twp Community Center	236	281	283	260	277	299		1636
Chicago Heights City Hall	350	327	332	386	457	386		2238
Cicero Community Center	68	111	121	77	73	52	43	545
Cicero PSO Building	47	41	57	53	65	56	37	356
Community Recreation Center	504	526	491	465	581	663		3230
Des Plaines City Hall	400	381	396	351	451	472		2451
Elk Grove Village Hall	245	277	251	250	298	313		1634
Elmwood Park Village Hall	151	155	167	136	182	218		1009
Evanston Civic Center	495	610	550	567	655	746	659	4282
Faith Family Future Center	585	625	593	700	732	706		3941
Glenview Village Hall	380	479	455	424	492	736		2966

COOK COUNTY CLERK
Election Dept.

EARLY VOTING TOTALS by Date and Site
(10-22-2012 - 11-12-2012)

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ELECTION: 110612 - GENERAL ELECTION

EV Site	Mon 22-Oct	Tue 23-Oct	Wed 24-Oct	Thu 25-Oct	Fri 26-Oct	Sat 27-Oct	Sun 28-Oct	Total
Skokie Village Hall	332	432	489	529	490	530		2802
Stickney-Forest View Library	126	114	112	108	148	131		739
Streamwood Village Hall	272	331	318	274	383	454		2032
Whitcomb Building Rm. 104	127	133	106	139	176			681
Total	13780	15157	15012	15178	17871	17665	2451	

Grand Total: 97,114